



Entered on Docket
November 04, 2011

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

Robert M. Charles, Jr. (NV 6593)
John Hinderaker (AZ 018024)
Marvin Ruth (NV 10979)
3993 Howard Hughes Parkway, Ste. 600
Las Vegas, Nevada 89169-5996
Telephone (702) 949-8320
Facsimile (702) 949-8321
Email: rcharles@lrlaw.com
jhinderaker@lrlaw.com
mruth@lrlaw.com

Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining Objection Of USACM
Liquidating Trust To Proof Of Claim No.
10725-02094-2 Filed by Kay M. Cantrell
and Donald L. Hess, as JTWROS In The
Amount of \$49,551.70**

Hearing Date: October 18, 2011

Hearing Time: 1:30 p.m.

The Court having considered the Objection Of USACM Liquidating Trust To Proof
Of Claim No. 10725-02094-2 filed by Kay M. Cantrell and Donald L. Hess, as JTWROS
in the Amount of \$49,551.70, [DE 9113] (the “Objection”) at the hearing held on October
18, 2011; appropriate notice of the Objection having been given; no response to the
Objection having been filed; and good cause appearing:

1 **IT IS ORDERED:**

- 2 1. The Objection [DE 9113] is sustained; and
3 2. Proof of Claim No. 10725-02094-2 filed by Kay M. Cantrell and Donald L.
4 Hess, as JTWROS in the amount of \$49,551.70 is disallowed in its entirety because is is
5 based upon an investment in the Roam Development Loan which was repaid in full by the
6 borrower and the Direct Lenders have in turn received repayment off the investments..

7

8 PREPARED AND RESPECTFULLY SUBMITTED BY:

9

10 **LEWIS AND ROCA LLP**

11 By /s/ John Hinderaker (AZ #018024)
12 Robert M. Charles, Jr.
13 John Hinderaker (*pro hac vice*)
14 3993 Howard Hughes Parkway, Ste. 600
15 Las Vegas, Nevada 89169-5996
16 Telephone: (702) 949-8320
17 Facsimile: (702) 949-8321

18 *Attorneys for USACM Liquidating Trust*

1 LOCAL RULE 9021 CERTIFICATION
23 In accordance with LR 9021, counsel submitting this document certifies that the order
4 accurately reflects the court's ruling and that (check one):
56 _____ This Court has waived the requirement set forth in LR 9021(b)(1).
78 XXX No party appeared at the hearing or filed an objection to the motion.
910 _____ I have delivered a copy of this proposed order to all counsel who
11 appeared at the hearing, and any unrepresented parties who appeared
12 at the hearing, and each has approved or disapproved the order, or
13 failed to respond, as indicated below [list each party and whether the
14 party has approved, disapproved, or failed to respond to the
15 document]:
1617 Counsel appearing: _____
1819 _____ I certify that this is a case under Chapter 7 or 13, that I have served a
20 copy of this order with the motion pursuant to LR 9014(g), and that
21 no party has objected to the form or content of the order
22

14 U.S. Trustee: <u>Augie Landis</u>	15 <input type="checkbox"/> approved the form of this order	16 <input type="checkbox"/> disapproved the form of this order
17 <input checked="" type="checkbox"/> waived the right to review the 18 order and/or	19 <input type="checkbox"/> failed to respond to the document	20
21 Other Party: _____	22	23
24 <input type="checkbox"/> approved the form of this order	25 <input type="checkbox"/> disapproved the form of this order	26
27 <input type="checkbox"/> waived the right to review the 28 order and/or	29 <input type="checkbox"/> failed to respond to the document	

30 Submitted by:
31 LEWIS AND ROCA LLP32 By: /s/ John Hinderaker. (AZ #018024)
33 Attorneys for USACM Liquidating Trust

34 # # #